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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,167	06/08/2001	Edward W. Sheehan		9295

7590 11/21/2003

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EXAMINER

PHAM, HAI CHI

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/877,167

Applicant(s)

SHEEHAN ET AL.

Examiner

Hai C Pham

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-27 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/31/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***EX PARTE QUAYLE***

1. This application is in condition for allowance except for the following formal matters:

**CLAIMS:**

The following claims should be revisited for correction as suggested below:

Claim 1:

- Line 12, "filed" should read --field--.

Claim 7:

- Do not show any limitations previously claimed in a cancelled claim. Just write – (Cancelled)-- after the claim number, e.g. 7. (Cancelled)

Claim 8:

- Line 2, after "ionization" add --source--.

Claim 13:

- Lines 9-10, after "droplets" delete ", from said atmospheric ionization source," since the atmospheric ionization source is stated differently as a source of charged droplets in this dependent claim 13.

Claim 15:

- Line 2, after "ionization" add --source--.

Claim 18:

- Line 14, "a electrostatic potential" should read --an electrostatic potential--;
- Line 20, "said inlet aperture" should read --an inlet aperture--.

Claim 19:

- Line 1, change "wherein providing the transfer of said charged particles or ions from said highly dispersive source at or near atmospheric pressure for gas-phase ion analysis, comprises said inlet aperture" to --wherein said inlet aperture is provided--, since it is not necessary to repeat the overall goal set forth in the preamble of the base claim in each of the dependent claims, which would otherwise confusedly suggest a separate [method] step being performed among the recited claimed steps.

Claim 20:

- Line 1, change "wherein providing the transfer of said charged particles or ions from said highly dispersive source at or near atmospheric pressure for gas-phase ion analysis, comprises a means of additional electrostatic focusing" to --further comprising providing a means for addition electrostatic focusing--.

Claim 21:

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- Line 1, delete "providing the transfer of said charged particles or ions from said highly dispersive source at or near atmospheric pressure for gas-phase ion analysis,".

Claim 22:

- Line 1, change "wherein providing the transfer of said charged particles or ions from said highly dispersive source at or near atmospheric pressure for gas-phase ion analysis, comprises" to --further comprising providing--.

Claim 23:

- Line 1, delete "providing the transfer of said charged particles or ions from said highly dispersive source at or near atmospheric pressure for gas-phase ion analysis,".

Claim 24:

- Line 1, change "wherein providing the transfer of said charged particles or ions from said highly dispersive source at or near atmospheric pressure for gas-phase ion analysis, comprises" to --further comprising providing--.

Claim 25:

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- Line 1, delete “providing the transfer of said charged particles or ions from said highly dispersive source at or near atmospheric pressure for gas-phase ion analysis,”;
- Line 4, change “electrostatic field” to --electrostatic potential--;
- Line 5, after “topside” add --surface of said high transmission surface--.

Claim 26:

- Line 3, before “means” add --focusing--.

Claim 27:

- Line 1, delete “providing the transfer of said charged particles or ions from said highly dispersive source at or near atmospheric pressure for gas-phase ion analysis,”;
- Line 3, change “electrostatic field” to --electrostatic potential--;
- Line 3, after “upstream” change “of” to --or--;
- Line 35, after “topside” add --surface of said high transmission surface--.
- Line 4, after “downstream” change “of” to --or--.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

2. Claims 1-27 are allowed.
3. The following is an examiner's statement of reasons for allowance: the primary reason for the indication of the allowability of the claimed invention is the inclusion of the limitations, in the combination as currently claimed, that the claimed apparatus and method for the collection and focusing of gas-phase ions or particles at or near atmospheric pressure includes a conductive high transmission surface with a plurality of holes through which the ions pass unobstructed on the way to a collector target by supplying an attracting electrostatic potential to the high transmission surface, wherein an electrostatic field provided at the underside of said high transmission surface is greater than the electrostatic field provided at the topside of said high transmission surface. The combined limitations are not found taught or fairly suggested by the prior arts made of record, considered alone or in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C Pham whose telephone number is (703) 308-1281. The examiner can normally be reached on T-F (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin R. Fuller can be reached on (703) 308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722, (703) 308-7724, (703) 308-7382, (703) 305-3431, (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



HAI PHAM  
PRIMARY EXAMINER

November 17, 2003